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OSGOODE HALL LAW SCHOOL  
Alumni Magazine

## Continuum



# IS CANADA READY?

(For the Next Financial Crisis)

WINTER 2019

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In Conversation  
with Peter W. Hogg

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60 Years of the  
Osgoode Hall Law Journal

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Moving the Dial  
on Access to Justice



## Dean's Alumni Reception

Join fellow alumni, faculty and friends in honouring our alumni for their contributions to the profession, Law School and legal community.

**May 15, 2019**

Convocation Hall, Osgoode Hall  
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6:00pm - 7:30pm

Free

Please RSVP online by May 8, 2019:

[osgoode.yorku.ca/rsvp](https://osgoode.yorku.ca/rsvp)



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#### THE OSGOODE HALL LAW JOURNAL CELEBRATES 60 YEARS

The top legal resource continues to shape scholarly debates in Canada and beyond, thanks to the commitment of faculty and some very bright student editors.

Winter 2019

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**Farewell to Firebrand Alan Young**

During his 32-year teaching career, the Co-Founder and Director of Osgoode’s Innocence Project also maintained a small law practice, bringing constitutional challenges to our gambling, obscenity, bawdy-house and drug laws and winning recognition as one of Canada’s top lawyers.
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**Lisa Philipps has Prominent New Position at York**

After serving as York’s Interim Provost and Vice-President Academic since May of 2017, the Osgoode tax law professor was appointed Provost and VP Academic for a five-year term that will run until June 30, 2022.

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# Continuum

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## Greetings

# DEAN'S MESSAGE

“  
I hope it (this issue) will make you feel proud to be an Osgoode graduate.  
”



Photo: Ian Crysler

➔ **NOT LONG AGO I MET SOME FORMER STUDENTS WHO TOLD ME HOW MUCH** they appreciated the securities regulation course they had taken at Osgoode a few years before. None of them had contemplated when they first arrived at law school just how much they would enjoy learning about securities law. Now practising lawyers in the complex and fast-paced world of securities litigation, M&A deals and regulatory legal counsel, they are the next generation of securities law experts who are making Canada a better place to do business.

In this issue of *Continuum*, we talk to a group of Osgoode professors and alumni who are widely recognized for their securities law and financial system expertise. We ask for their thoughts on the lessons learned from the global financial crisis that began in 2007 and the subsequent Canadian economic downturn of 2008-09. Their observations on Canada’s financial future suggest there is room for cautious optimism.

We also sit down with Peter W. Hogg, Canada’s foremost constitutional law expert, to discuss Section 33 of the Charter of Rights and Freedoms, commonly known as the notwithstanding clause. The former Osgoode Professor and Dean who is now Scholar in Residence at Blake, Cassels & Graydon LLP admits to feeling “a little bit of sympathy” for Ontario Premier Doug Ford who intended to use the notwithstanding clause to override a court decision about reducing the size of Toronto City Council.

Professors Trevor Farrow and Sean Rehaag reflect on their current research studies on access to justice and refugee claim decision-making, respectively. And we celebrate the 60th anniversary of the Osgoode Hall Law Journal, a critical-thinking voice of legal scholarship that has been described as “one of the most respected and influential peer-reviewed general law journals in the world.”

So take some time to read this informative and wide-ranging issue. I hope it will make you feel proud to be an Osgoode graduate.

**Mary Condon**  
*Dean (Interim)*

# IN BRIEF

1.

OsgoodePD renovations included a multimedia studio, common space, break-out rooms, and technology and equipment upgrades.

Photos: Stephanie Kretschmer
2.

The Jay and Barbara Hennick Centre for Business and Law honoured Rob Wildeboer LLB/MBA '85 for career achievement.

Photo: Simon Remark Photography

## New OsgoodePD Teaching and Learning Space

IN THE SUMMER OF 2018, OSGOODE Professional Development (OsgoodePD) undertook a full renovation of its downtown Toronto teaching facility on the 26th floor of 1 Dundas Street at Yonge Street. The vision was to create an inspiring and flexible teaching and learning space to take Osgoode’s lifelong learning into the future. The changes include a multimedia studio, a spectacular common space for instructors and students, break-out rooms, and technology and equipment upgrades throughout.



## Hennick Medal for Rob Wildeboer

**ROB WILDEBOER LLB/MBA '85, EXECUTIVE** Chairman and Co-Founder of Martinrea International Inc., received the Hennick Medal for Career Achievement on October 3.

“The Hennick Medal recognizes Rob’s outstanding contributions as a lawyer, business person and community leader, particularly his exceptional leadership ability in motivating people and moving organizations toward a vision,” said Edward J. Waitzer, Director of the Hennick Centre.

Awarded annually by the Jay and Barbara Hennick Centre for Business and Law – a joint initiative of Osgoode and Schulich School of Business – the Hennick Medal honours a business and law graduate who has earned widespread recognition in the business and legal communities.

At Martinrea International Inc., a global auto parts supplier specializing in automotive fluid systems and metal forming products, Wildeboer oversees 15,000 employees at 44 divisions in the United States, Canada, Mexico, Brazil, Europe and China. He is also a founding partner of Wildeboer Dellelce LLP, and now serves as its Counsel.





IN BRIEF

1.  
Sports Hall of Fame inductee  
Jeff Adams is on the road to a  
law degree just like his grandfather  
and his brother before him.  
Photo: Ashlea Wessel
2.  
Pernille Ironside '99 was recognized  
for her humanitarian work with a  
2018 Bryden Alumni Award.  
Photo: Jacklyn Atlas
3.  
R. Amani Smathers discussed the  
idea of skills development for today's  
lawyers in "The 21st Century T-Shaped  
Lawyer," which was published in the  
July/August 2014 ABA Law Practice  
Magazine's Big Ideas issue.



Powered by  
Determination  
and Passion

**JD STUDENT JEFF ADAMS – A SIX-TIME** Paralympian and six-time World Champion wheelchair racer – was one of eight athletes inducted into Canada’s Sports Hall of Fame in the fall of 2018.

Between 1988 and 2008, Adams competed in six consecutive Paralympic Games, capturing an outstanding total of 13 medals.

Adams was an infant when he underwent radiation therapy to treat cancer that saved his life, but permanently damaged his spinal cord. He started using a wheelchair at the age of nine.

He put his love for sport not only into conquering the international wheelchair racing circuit, but into advocating for accessibility and lending support to organizations that promote equality for people with disabilities.

He has served as Chair of the Accessibility Committee for the Toronto 2008 Olympic Bid Committee as well as Chair of the Ontarians with Disability Advisory Council, and has worked diligently to improve public support for what Canadian Paralympic athletes are capable of achieving at elite levels of competition.

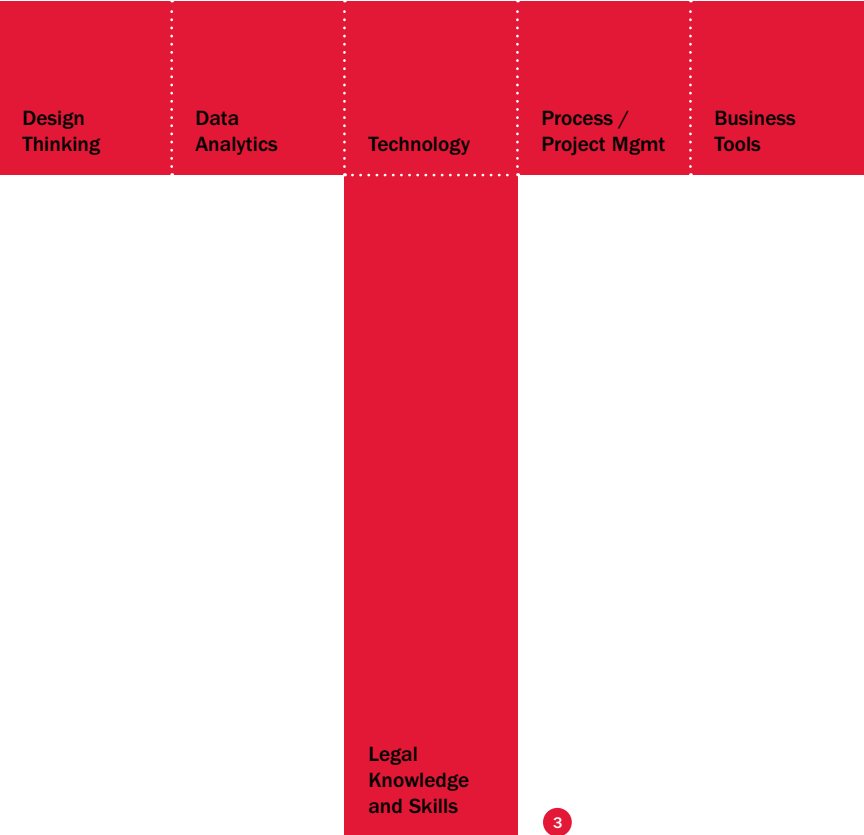
A successful business person who founded two medical device engineering companies, Adams decided to pursue a lifelong dream of a career in law. He follows in the footsteps of his grandfather, Finbar (Rory) Egan, who graduated from Osgoode in 1945, and his brother Kevin Adams, a partner at Rogers Partners in Toronto.



Humanitarian  
Worker Honoured

**PERNILLE IRONSIDE '99 IS ONE OF THE** recipients of a 2018 Bryden Alumni Award celebrating outstanding York University alumni who have achieved the extraordinary and made remarkable contributions in their fields, communities and to the University. Other winners are: **Paul Sanberg** (BSc '76); **Cheryl** and **Rob McEwen** (MBA '78, LLD '05); and **Jamil Jivani** (BA '10), a former visiting professor at Osgoode.

Ironside has been working for the United Nations for the past 18 years protecting children and delivering humanitarian assistance to the most vulnerable in countries as diverse as Iraq, State of Palestine (Gaza), Yemen, the Philippines, Pakistan, Nepal, South Sudan, and the Democratic Republic of Congo, for which she has received numerous commendations. She currently serves as UNICEF’s Deputy Representative in Nigeria.



A Bigger Toolbox for a  
Changing Legal World

**OSGOODE IS EXCITED TO BE THE FIRST** Canadian law school to be involved with the Institute for the Future of Law Practice (IFLP), a non-profit organization that is helping law schools and legal services employers come together to provide tomorrow’s lawyers with the knowledge and skills to meet the new requirements of modern legal practice.

IFLP, which grew out of the Tech Lawyer Accelerator program at the University of Colorado Law School, is built on the premise that in today’s changing, complex world legal professionals must complement their traditional legal skills with a breadth of knowledge across disciplines.

“Capitalizing on new ways of thinking and preparing the next cohort of lawyers to meet a changing legal world is critically important,” said Victoria Watkins, Assistant Dean and Executive Director of Osgoode Professional Development, which hosted the launch of the 2019 IFLP program at its newly renovated space in downtown

Toronto in November. “IFLP is teaching skills in legal services delivery that haven’t traditionally been taught by law schools and are rapidly becoming essential.”

In 2018, five law schools – including Osgoode – offered the IFLP program to students. A total of 43 law students – five from Osgoode – participated in multi-week training boot camps to learn foundational skills in the business of law, project management, process optimization, legal technologies, and data analytics.

The boot camps were followed by paid summer internships for all of the students, with the Osgoode contingent finding employment at Osler, Hoskin & Harcourt LLP, Bennett Jones LLP, Kira Systems Inc., Blake, Cassels & Graydon LLP and McCarthy Tétrault LLP. Founding sponsors of IFLP are Chapman and Cutler LLP, Cisco, Elevate and Quislex.

In 2019, 18 law schools will participate in IFLP’s boot camp and internship program. See the list of partner schools here: [futurelawpractice.org/law-schools](http://futurelawpractice.org/law-schools)

Fine Fellows

**OSGOODE WELCOMED AN EMERGING** legal scholar, a veteran trial lawyer, an acclaimed artist, and a pair of documentary filmmakers as Fellows for the 2018-19 academic year.



Joanna Vieira Noronha  
Catalyst Fellow



Jonathan Rosenthal '87  
McMurtry Visiting Clinical Fellow



Anique Jordan  
Artist in Residence



Allie Caldwell and Jalana Lewis  
Fund for Innovation in Law and Media  
(FILM) Fellows



# IS CANADA READY?

— *by Christine Ward*

Ten years after the collapse of Lehman Brothers, Osgoode's researchers and alumni are helping prepare Canada for the next financial crisis.



The mood around the table was tense. It was fall 2008 and the Board of Trustees of the York University Pension Fund had just called an emergency meeting to discuss the impact of the financial crisis.



➔ **“IT WAS A STRESSFUL TIME,” RECALLS MARY CONDON,** a former pension fund board member who is now Interim Dean of Osgoode. “York employees’ pensions were at stake.”

York’s Board of Trustees wasn’t alone. In September 2008, similar scenes played out in countless boardrooms across the country and around the world after Lehman Brothers, the fourth largest investment bank in the United States, filed for bankruptcy protection. By the time the dust settled, 25,000 Lehman employees had lost their jobs and more than US\$600 billion in assets was wiped out, making it the largest bankruptcy in the history of the world. The massive individual and corporate losses triggered a crisis of confidence in the global banking system that sent just about every developed country – Canada included – spiralling into a recession.

But that was 10 years ago. The world has changed and Canada now has the financial stability and regulations in place to weather another financial crisis.

Or does it? A handful of Osgoode professors and alumni weigh in with their thoughts on the lessons learned from 2008 and what Canada’s financial future might hold.



Mind the Financial System Gap

“On the one hand, 2008 wasn’t a huge disaster for us. Canada’s banking system held its course and none needed to be bailed out,” reflects Dean (Interim) **Mary Condon**. “But we also don’t know where the next crisis will come from. If it requires quick sharing of information and concerted action on behalf of a number of financial regulators, we might find ourselves in trouble.”

An expert in securities law and the former Vice-Chair of the Ontario Securities Commission (OSC), she points to some pretty substantial gaps between the federal and provincial regulators that oversee the various aspects of Canada’s financial sector.

At the present time, the federal government is responsible for supervising all banks and federally incorporated insurance, trust and loan companies. Each provincial government oversees securities dealers, mutual fund and investment advisors, credit unions, and provincially incorporated trust, loan and insurance companies.

Condon explains: “Over the course of the 20th century, the idea emerged that different aspects of the financial system should be regulated separately, that banking is different from trading in stocks or securities and different again from the provision of insurance.”

With time, however, the differences

Mary Condon



between the systems have become less defined. Banks established or bought securities firms and began to sell mutual funds, stocks, even insurance to their clients. Insurance companies expanded their portfolios to include other financial assets as well. The financial marketplace has converged in ways we have never before seen, but “that convergence hasn’t been matched by a convergence in the regulatory systems overseeing each asset type,” says Condon.

The gaps, duplications and contradictions between the systems, she fears, have the potential to leave consumers vulnerable.

It’s one of the reasons why she agreed to serve as a board member of the Capital Markets Authority Implementation Organization, to be renamed the Capital Markets Regulatory Authority (CMRA), after a recent Supreme Court ruling opened the door for Ottawa and the provinces to establish a co-operative securities regulator. By replacing the patchwork of provincial and territorial securities regulators with more systematic oversight of capital markets, the CMRA aims to streamline the system, eliminating duplication, reducing red tape and ensuring consistent enforcement and investor protection.

Is Canada ready? “Almost,” says Condon. “Thanks to the green light from the Supreme Court, we have the opportunity to modernize our system for managing risk and protecting investors from negative developments in the financial services sector.”



A New, Modern Financial Regulator

Simultaneous with the proposed creation of the CMRA, a board that includes **Larry Ritchie** ’86 is preparing for the launch of another financial regulator. Starting this spring, the Financial Services Regulatory Authority of Ontario (FSRA) will regulate the province’s non-capital markets, including financial services such as life and auto insurance products, mortgage brokers, pensions and credit unions. It replaces the Financial Services Commission of Ontario (FSCO), which Ritchie describes as having “an antiquated governance model with insufficient authorities.”

“The FSRA will include a more robust governance model akin to most public corporations,” he explains. There will be an independent Board of Directors, a transparent cost-recovery fee structure and the FSRA “will have a specific mandate to protect the rights and interests of consumers while also fostering a strong, sustainable, competitive and innovative financial services sector.”

Among many benefits, Ritchie, a Partner (Litigation) at Osler, Hoskin & Harcourt LLP, says that will mean greater cooperation and collaboration with other regulators, including the CMRA and the OSC – a step he says is key to preparing Canada for potential instabilities.

“The FSRA isn’t a direct response to the 2008 financial crisis, but it is a response to the need for modern regulators to have the tools in place to collaborate, identify risks and respond to them as they arise. We’ll be nimbler, more responsive and more reflective of the needs of consumers.”



Larry Ritchie

## IS CANADA READY?



### Data Science an Important Focus

**Grant Vingoe** '81 is playing a key role in analyzing the causes of the global financial crisis and mitigating investor risk as Vice-Chair of the Ontario Securities Commission, a role he has held since 2015. The OSC is a member of the International Organization of Securities Commissions, which, since 2008, has promoted changes aimed at increasing transparency and mandating data collection to give securities regulators around the world a clearer picture of what's going on in the marketplace.

While pursuing this agenda globally, the OSC has joined with other Canadian securities regulators to propose a major overhaul of conduct rules for advisors. Working together, they are aiming to significantly expand protections for retail investors.

"So much wealth was destroyed in the fallout from the crisis," Vingoe explains, "that we felt the need to improve elements of the relationship between the retail investor and advisor in order to help protect the investor's financial well being, including their retirement security."

One area of focus involves developing a series of tools to pinpoint risk points – something that's a particular challenge

today given the complexity of the financial markets and Canada's multiple regulators.

Says Vingoe: "We're still in the early days of data science applied to securities regulation, including collecting information and processing it using traditional computing methods and AI. Our biggest challenge is time. If we have the tools better developed before the next crisis unfolds, we might be able to address problems on more of a real-time basis, whether at the systemic level or to address wrongdoing affecting individual investors."



Grant Vingoe



### Canada's Enforcement Capacity Needs Work

Professor **Stephanie Ben-Ishai** '00 is leading research into another potential crack in the system that first caught the attention of academics, economists and regulators in 2017. That's when serious allegations rocked non-bank financial institution Home Capital, causing shares in the company to plummet almost 65 per cent. At the time, Home Capital held a big chunk of Canada's mortgage market – about \$12 billion. Media reports predicted the company's downturn would trigger the next big financial crisis. Fortunately, an eleventh hour investment staved off the disaster. (In December, Warren Buffet's company Berkshire Hathaway – Home Capital's lender of last resort in 2017 – announced that it had sold most of its stake in the company. Home Capital CEO Yousry Bissada assured investors that the company has returned to profitability and is ready to stand on its own.)

"Non-bank financial institutions conduct business in Canada with far less oversight relative to their bank counterparts," says Ben-Ishai, who compared the regulations governing non-banks through the Financial Consumer Agency of Canada (FCAC) to the Consumer Financial Protection Bureau (CFPB) in the United States. Among many findings, she uncovered significant discrepancies in enforcement capacity. The FCAC can only level fines up to \$500,000, for example. The CFPB maximum is \$500 billion.

"The democratization of credit is a

good thing, but it needs to be regulated and enforced," she says. This is especially important given the fact that non-bank consumers are largely millennials who often don't have the savings or credit scores to obtain mortgages from traditional banks.

Ben-Ishai is calling for an overhaul of Canada's regulatory framework for non-bank financial institutions to better protect consumers. She hopes to use the Home Capital case as a launch pad "to figure out what could be learned and how we could reduce the fragmentation among regulatory bodies."



Stephanie Ben-Ishai



### Putting Clients' Interests First

Laws to protect retail investors are also the focus of research led by Professor **Poonam Puri**, an expert in corporate governance and securities regulation. In her book *Back from the Brink: Lessons from the Canadian Asset-Backed Commercial Paper Crisis*, Puri and her co-authors detail another near-crisis involving Canada's \$32 billion non-bank asset-backed commercial paper market (ABCP) and a long list of vulnerable retail investors who had no idea what they were holding.

Although big, powerful asset holders swiftly intervened in 2008 to pull the market back from the brink of collapse, the near-miss prompted securities regulators to create new rules around disclosure when selling this type of commercial paper. A spotlight was also cast on advisors' obligations to their clients.

"Many retail investors said that their brokers had told them that this paper was like a GIC or a T-bill with a higher return," says Puri. "In fact, it was so much riskier and so much more complicated."

The sale of ABCP to retail investors raised a critical question: What sort of due diligence processes and controls were in place at the dealer firms to allow this to happen? "It appears not much," answers Puri. "The lesson from the Canadian ABCP crisis is that our current 'know your client' and suitability rules don't go far enough."

In 2018, the Canadian Securities Administrators, which includes representatives from each of the 13 provincial



Poonam Puri

and territorial securities regulators, invited comments on a new proposal that stipulates investment advisors must put their client's interests first when making investment recommendations.

Puri likes what she sees, but she isn't convinced the proposal goes quite far enough.

"We need a more robust legal duty to ensure that advisors adequately protect their clients and we need to ensure that regulators dedicate resources to ensuring compliance." If anything, she says, the problem of lack of suitability is becoming more rampant. "Retail investors continue to invest their hard-earned savings with the expectation that their advisors and Canada's regulatory framework will protect them."

**"We need a more robust legal duty to ensure that advisors adequately protect their clients and we need to ensure that regulators dedicate resources to ensuring compliance."**



IS CANADA READY?



Helping Investors Who Fell Through the Cracks

That’s exactly what **Bryan Gerrard** (not his real name) thought when he transferred all his savings from a bank to a registered investment advisor at a big-name firm in 2010.

“He told me I’d been investing in all the wrong things. He felt silver would quadruple in value, so I invested there,” the retired factory worker said of his advisor. “I assumed I had the backing of a big company.”

Gerrard’s losses started almost right away. Still, he hung on, trusting his advisor when he told him the market would correct and he’d make up everything he lost and then some. Five years later, when his nearly \$400,000 portfolio bottomed out at \$230,000, Gerrard fired his advisor and returned to the bank.

It’s a story Puri hears all too often and why she says there’s a growing need for Osgoode’s Investor Protection Clinic, a clinical program she launched last year with community partner FAIR Canada to help people who believe their investments were mishandled and who can’t afford a

lawyer to help them sort out the problem. About half of the 40 intake interviews conducted in the clinic’s first year of operation involved individuals who were invested in products that were inappropriate for their age and goals – including Gerrard, who ended up getting about \$33,000 of his investments back with help from the clinic’s students and lawyers.

“We see a lot of files where advisors have not respected the ‘know your client’ principle and where the investments are simply not suitable for the client,” Puri says. She predicts this issue will become even more important as individuals are expected to exercise greater personal responsibility for their retirement savings, as the financial marketplace continues to converge and as financial instruments grow ever more complicated.

“Regulators have a big job ahead of them. They have to be constantly vigilant of new products and emerging issues. The big, sophisticated investors can protect themselves, but retail investors, they’re the ones that need protection. That’s where governments and regulators need to focus their energy going forward.”

Christine Ward is Principal of Ward Development Communications based in eastern Ontario.

Four Questions for  
**Peter W. Hogg**

Continuum’s **Virginia Corner** spoke to the Canadian constitutional law authority about Section 33 of the Charter of Rights and Freedoms, commonly known as the notwithstanding clause.

Photos: Ian Chrysler

# Q/A



01

What is the value of having the notwithstanding clause in the Charter?

I knew nothing about Canadian constitutional law when I first came to Canada as a visitor to the Osgoode Hall Law School,” says Peter W. Hogg CC,QC, FRSC who would go on to become the country’s foremost constitutional law expert and the author of the definitive text book on the subject, *Constitutional Law of Canada*. It is the single most-cited book in decisions of the Supreme Court of Canada.

Hogg served on Osgoode’s full-time faculty from 1970 to 2003 – the last five years as Dean – before accepting his current position as Scholar in Residence at Blake, Cassels & Graydon LLP.

In his first year as a full-time professor, he spent the summer learning about constitutional law so he could teach a class in the fall. There were only two Canadian constitutional law case books at the time, and no text book. “I started writing these notes for students and I later realized this could be a book,” he says. That was the origin of his text book.

Today, while he misses the students, Hogg – with the full support of Blakes – spends a good deal of time updating his book.

He also advises on constitutional matters that come up in the course of the firm’s work, and is currently involved in a constitutional case with Blakes partner Jeff Galway ’86 representing a ferry service that runs between Nova Scotia and Newfoundland that is being attacked on the grounds that it is being subsidized by the Government of Canada.

Speaking of the Government of Canada, Hogg was its lead counsel in the reference question to the Supreme Court of Canada regarding the constitutional validity of same-sex marriage in Canada. The ruling, which threw out the old definition of marriage as being between a man and a woman in favour of a new definition of marriage as being between two persons, was announced in December 2004. “That’s the case I’m most proud of because I think that really increased the sum of human happiness,” he says.

WE THINK NOW OF THE CHARTER OF RIGHTS and Freedoms as a wonderful thing. But the premiers at the time (1981) were all opposed to the Charter. They were opposed because they didn’t want judges interfering with what they could do. So the notwithstanding clause was the answer to that problem. Although Pierre Trudeau said that he deeply regretted putting it in, he put it in for that reason.

I came to the view that it’s not necessarily a bad thing to have an escape from the Charter of Rights. For example, the language law in Quebec. The language law in Quebec was struck down by the Supreme Court and it was re-enacted with the notwithstanding clause. Language is a huge issue in Quebec – it’s not a big issue elsewhere in the country – and should they be able to have a sort of break, if you like, from the Charter of Rights on language issues? I think the answer to that is, yes, they should.

02

It was the Ontario government’s intention to use the notwithstanding clause to override a court decision about reducing the size of Toronto City Council. In your opinion, was that an ill-considered use of the override power?

I HAVE A LITTLE BIT OF SYMPATHY FOR MR. Ford because a judge (Justice Edward Belobaba) had held that reducing the size of Toronto City Council would violate the Charter of Rights. I don’t agree with that. I don’t think that it rises to the level of a Charter issue at all. The Court of Appeal of Ontario held that it didn’t and that meant Mr. Ford could go ahead with his reduction in the size of Toronto City Council without the notwithstanding clause.

I think if you looked at other municipalities in Ontario and around the country, you’d find all kinds of different rules about the size of a city council. It doesn’t matter very much to you or me if we have 20 city councillors or 10 city councillors or 30 city councillors. That’s something that reasonable people can disagree on, and I don’t think it ignites any real human rights issues.

So, while I hate to agree with anything Doug Ford wanted to do, faced with the decision that he couldn’t legislate the size of Toronto City Council because of the Charter of Rights, his plan to use the notwithstanding clause was not a silly thing to do.

03

What was the role of the Ontario Attorney General when the Ford government moved to invoke the notwithstanding clause? Does the AG have a constitutional responsibility beyond that of a Cabinet Minister and, if so, what should that look like?

I DON’T THINK THERE’S AN EASY ANSWER TO that. I think the general impression in the legal profession at least is that the Attorney General does have some special responsibilities to uphold the rule of law and would certainly have to oppose anything that was illegal.

But from what I’ve said so far, I don’t think that reducing the size of City Council is an issue that she (Ontario Attorney General Caroline Mulroney) needed to go to the wall on even if Justice Belobaba had been right.

The Attorney General has to support the government most of the time. What an Attorney General can always do, of course, is resign if their advice isn’t being sought or is not being obeyed. Some of the media discussion was why doesn’t she resign? But my guess is she did not see the government’s move to invoke the notwithstanding clause as a profound human rights issue.

04

Can we expect to see greater use of the notwithstanding clause by governments in the future and, if so, should we be happy or worried about that?

THAT’S A GOOD QUESTION BECAUSE IF YOU think of the politics in the United States environment, a government like the Republican Party headed by Trump would be happy to escape from the American Bill of Rights.

I think it would be very unfortunate if future governments made frequent use of the notwithstanding clause, meaning that they really weren’t willing to obey the Charter of Rights.

The Charter has become an extremely popular part of the Constitution. Even Pierre Trudeau did not understand how popular his Charter was until the hearings of the committee that was looking at his proposed Charter of Rights were televised. And when they were televised, it turned out there was a huge wave of public support in favour of the Charter of Rights.

It’s very popular, and so it’s always going to be unpopular to use the notwithstanding clause. Now the situation of language in Quebec is probably an exceptional case.



# 60

## The Osgoode Hall Law Journal Celebrates 60 Years

— by Bev Cline

While it would be easy to ascribe the launch of the Osgoode Hall Law Journal (OHLJ) in 1958 to an urgent need to fill a gap in legal scholarship, two of its founding editors, Earl Cherniak and Marshall “Mickey” Cohen, (both of the Class of 1960), say otherwise.

Remembering a time when they attended class in a suit, jacket and tie and many of their professors lectured in gowns, these distinguished lawyers recall the OHLJ’s beginnings as humble: a way for a small group of students who had “an academic itch” to write articles that might see the light of day. Cherniak went on to a counsel practice and taught part time at Western Law for 19 years. Cohen’s career took him down many paths but he credits that early experience as an important building block.

At the time, professors at Osgoode – located on Queen Street in downtown Toronto – wrote articles, and students studied. Yet when Cherniak, Cohen and their fellow students brought the idea of the Journal forward, some “fine and remarkable academics” agreed to help with the fledgling publication, including Professors Des Morton and Ronald St. John MacDonald.

Although there was a flurry of activity that first year, it was also a lot of fun, remember Cherniak and Cohen. Yet both wondered if there would be enough student interest to sustain the Journal. Their concern has turned out to be unfounded, as the Journal has published continuously since its founding.

In fact, 60 years on, becoming an editor on the Journal has become a sought-after position: in 2018, more than 120 students applied to become an editor. Current Managing Editor, Hana Bell, says the applicants represent a diverse group with a wide cross-section of backgrounds, who “bring new ideas to the table and new analysis to our articles.”

As soon as editors come onboard in first year, they are paired with an editor mentor, says Executive Editor Ari Zuckerbrot. As such, in addition to the academic rigor the position entails, editors benefit “from being part of a community of like-minded individuals who are interested in advancing intellectual discourse around the law in Canada.”

Currently there are approximately 28 Senior Editors, nine of whom are on the Executive Board, (upper-year JD students responsible for most of the editing, planning and management of the Journal). They are assisted by some 25 Associate Editors (first-year JD students who help with article selection and technical editing).

Fundamental to the OHLJ’s success has always been the commitment of faculty. Current Editor-in-Chief, Professor Dan Priel, brings a wealth of experience to the Journal from both the student and faculty perspective, as a former Co-Editor-in-Chief of the student-edited law journal at Hebrew University Faculty of Law.

“

One of the most respected and influential peer-reviewed general law journals in the world

”

### Expanded Reach

While the Journal remained a print publication for decades, in 2015 it shifted from a subscription-based, print publication to a fully digital, open-access resource on the Osgoode Digital Commons platform, under the watch of Stepan Wood, a former Osgoode professor and OHLJ Editor-in-Chief (2011 to 2017). Wood, now Professor & Canada Research Chair in Law, Society and Sustainability at the University of British Columbia’s Peter A. Allard School of Law, says the Journal “is one of the most respected and influential peer-reviewed general law journals in the world.”

Wood, who counts being editor-in-chief as among his most stimulating and fulfilling experiences as a law professor, says the OHLJ “shapes scholarly debates

in Canada and beyond and is cited regularly by the Supreme Court of Canada.” He adds that the Journal’s editors are among the brightest JD students he has had the pleasure to know.

That the Journal is a top legal resource worldwide is undisputed. Its readership map shows global downloads, with articles accessed from places as far apart as McMurdo Research Station in Antarctica and Hazen Camp, Nunavut.

### Continues to Evolve

Throughout the years, the Journal has continued to create new initiatives. Annually, says Bell, the Journal holds the JD Research Symposium where students present their research in front of an audience and Osgoode professors read their papers and critique their work.

Zuckerbrot says editors continuously look for new ways to disseminate knowledge, including through special issues, workshop and conferences. In 2019, for example, he says, “we’re partnering with Professor Karen Drake and the Osgoode Indigenous Students’ Association (OISA) for a first-of-its-kind workshop on a topic related to Indigenous rights and a special issue of the Journal stemming from the conference.”

Priel says one problem that almost all academic publishing suffers from, for a number of reasons, is how long it takes for an article to get published. Therefore,

“with an author’s permission, the Journal publishes unedited versions of accepted papers, meaning that the ‘idea’ is out there, even if it may take some time before it appears in its final published form.”

Looking ahead, in addition to the full-length traditional academic articles, students have suggested, and Priel agrees, “that publishing shorter, less formal pieces, more quickly, may be a valuable addition to the publication.”

This kind of forward thinking reflects the OHLJ’s founding: the creation of a fresh, critical-thinking voice of legal scholarship, in itself a reflection of Osgoode’s commitment to the same values.



E.A. Cherniak



M.A. Cohen

Bev Cline is a Toronto-based freelance writer, editor and book author.



For the top 10 downloads since the Journal went online, visit:

[osgoode.yorku.ca/OHLJ\\_DC](https://osgoode.yorku.ca/OHLJ_DC)



Osgoode Hall Law Journal student editors

Photo: Ian Oryslar

# LEADING RESEARCH

## Moving the Dial on Access to Justice

— by Virginia Corner

Virginia Corner is Osgoode's Communications Manager.



Professor Trevor Farrow



What has been missing is specific data designed to help governments, ministries and policy-makers better understand and make the case for improved access to justice.

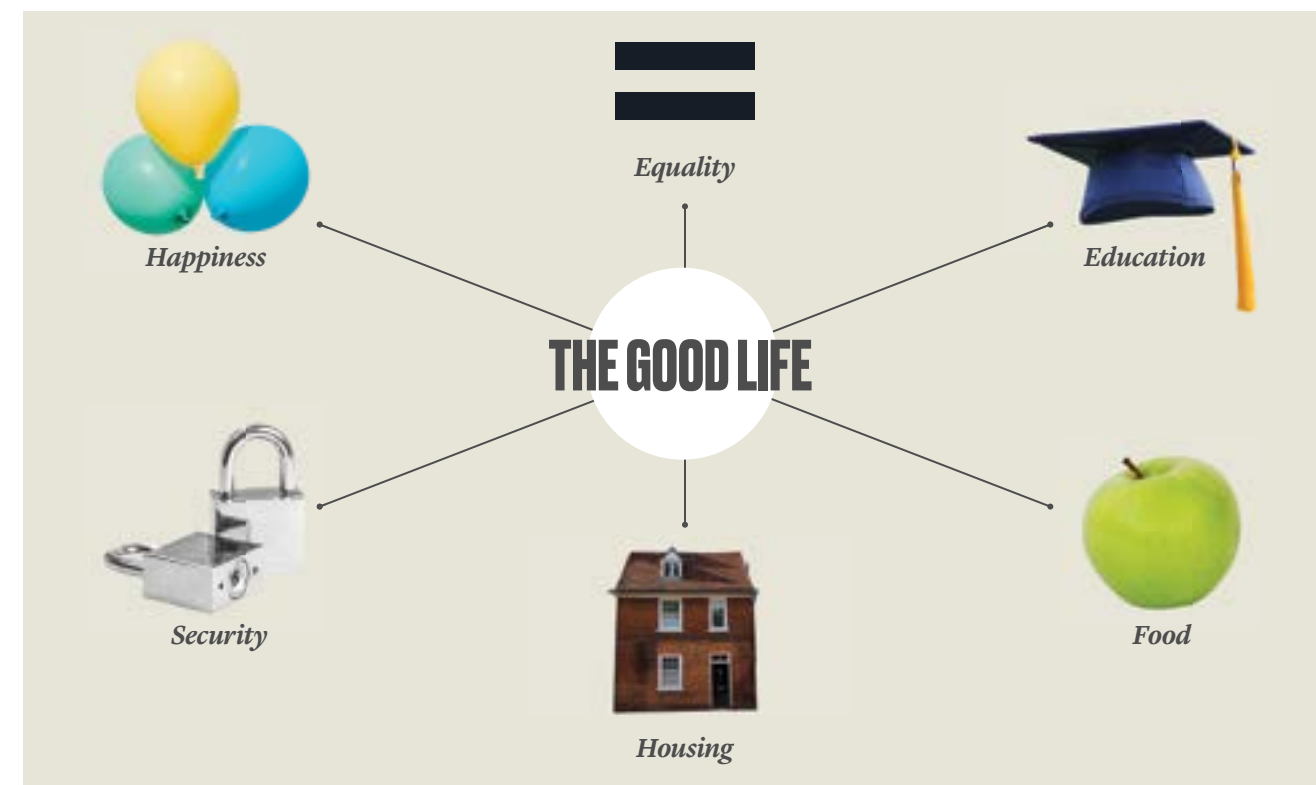
**P**rofessor Trevor Farrow and fellow researchers at the Canadian Forum on Civil Justice (CFCJ), a national non-profit organization affiliated with Osgoode Hall Law School, have a tall order.

“Essentially, when thinking about access to justice, it’s really about helping people to get better access to the good life,” Farrow says of the research studies he and others have been conducting into access to justice as well as the costs of justice. “A society with accessible justice is one where more people understand how to navigate relationships and avoid legal problems. And when problems do arise, they have a good sense of how to address them, and ultimately how to maximize their access to a better standard of living.”

Neither of those terms – access to justice and the costs of justice – are well understood by most Canadians or citizens elsewhere, according to Farrow. There has been relatively little data on either subject, especially compared with other issues such as access to education or health care. The CFCJ Cost of Justice in Canada (2011-2018) study was designed to focus directly on this research gap.

In the past five to 10 years, Farrow says there has been a significant shift in thinking about how access to justice is defined. “We used to, and sometimes still do, think of access to justice primarily from a procedural perspective: Are we giving people good access to courts? Are we giving people access to lawyers? Do they have access to legal information and legal advice?”

Those are all important questions. Increasingly, however,



Farrow says access to justice is being looked at from the perspective of the user – the public – rather than the provider. “If you look at it from the perspective of the user, what people really want are things like a roof over their head, safe places to live and work, food on their table, and equal opportunities for their kids. If and when they do have legal problems, they want to understand and resolve those problems in a meaningful and efficient way.”

One only needs to look at the huge increase in the number of self-represented litigants in our courts to see that Canada’s current justice system is challenging if not inaccessible for the majority of people who are using it, Farrow says.

What’s more, the economic and social costs of not delivering good access to justice are deeply concerning, he says. “I’m talking about stress, negative impacts on health and family relationships, trickle down effects such as lost employment, violence at home, and then, of course, an increased use of social services such as unemployment assistance and social assistance. We even know that there’s an impact on housing as a result of not having adequate access to justice.”

The CFCJ Cost of Justice study was the first major national study to quantify the economic and social costs of inaccessible justice. It caught the attention of various organizations including the Organisation for Economic Co-Operation and Development (OECD) in Paris, the International Development Research Centre (IDRC), a Crown corporation that supports development research, and the Open Society Foundation, an international donor organization.

That led to an invitation to Farrow and his CFCJ colleagues

to provide their support and research insights gained from the Canadian study to a three-year project now underway in Kenya, Sierra Leone and South Africa called the Community-Based Justice Research (CBJR) project.

A special feature of the CBJR study is that it focuses primarily on sites of community-based justice (think regional paralegal clinics or social workers consulting with women’s groups) rather than formal sites of justice such as state-run courts.

The African study – like the Canadian study – is designed to look at the sites where people most experience justice problems and where they might most usefully address them.

“I suspect that there will be important lessons to learn from our African partners that, although from a different context, may well resonate for us in terms of our thinking in Canada about how we can learn from others and how we may want to reform our own thinking,” Farrow says.

All of this is happening amidst a growing international conversation about access to justice and the costs of justice, Farrow notes. The United Nations has, for the first time, identified access to justice as a specific development target for the international community.

“Internationally, we’re seeing an increased awareness that access to justice is an important factor in the equitable and sustainable development of societies, and what we’ve been missing is specific data designed to help governments, ministries and policy-makers better understand and make the case for improved access to justice.”



## LEADING RESEARCH

# A Matter of Fairness

— by Suzanne Bowness

Suzanne Bowness is a Toronto-based writer and editor, and Principal of Codeword Communications.



Five years after his first well-publicized research study, professor still finds inconsistencies in decision-making by Federal Court judges who rule on refugee claims.

Let's face it, when it comes to refugee claim decision-making, the stakes are high. "If we get these decisions wrong, we can potentially send people who meet the refugee definition back to countries where they're going to be tortured, persecuted or even killed," says Professor Sean Rehaag.

The topic is familiar territory for Rehaag and something he clearly has the passion to keep pursuing. He recently completed a follow-up study to his first research study five years ago that found inconsistencies in decision-making by Federal Court judges who rule on refugee claims.

The update? Unfortunately, things have not yet improved.

"The (second) study found that success rates varied really dramatically depending on which judge was hearing the case, and so that raises fairness problems, because outcomes in legal processes are supposed to turn on the facts and the law, not on who the decision-maker is," explains Rehaag.

Rehaag says that while part of the solution to making decisions more consistent could require changes to immigration law – a slow process – other changes could be enacted within the judiciary. His recommendations include streamlining the process to one step (currently applicants have to face judgment twice, at a leave stage and at a merit stage), or having a single judge decide both steps.

Another recommendation would be that judges try to gain distance from their own predispositions when deciding leave. "I suggest that judges stop asking themselves whether they subjectively think the applicant has met the test, and instead ask,



Reuters / Christine Muschi

'Would any of my colleagues be persuaded that the applicant has made a reasonably arguable case? And if any of my colleagues would, then I should grant leave,'" says Rehaag.

Currently judges are not required to provide any justification for their decisions at the first step of the process, so another modification could be to issue reasons in order to enhance transparency. A further change he recommends is that in the second step of the process judges could more frequently grant certification to take the case to the Federal Court of Appeal, something Rehaag says is justified when the stakes are so high.

Even though the follow-up study revealed few changes, Rehaag says that throughout he's been impressed with the court's openness to hearing his results and working on solutions. "I was pleased by the response to the first study. There were

public calls for reforms. We generated some media interest, but most significantly the study generated some interest at the Federal Court itself," says Rehaag, adding that the court invited him to Ottawa to discuss the first study, and has initiated internal discussions on how the variations can be addressed while still respecting judicial independence.

In addition to his findings, another notable aspect of Rehaag's second study is that he used a computer program to code the data under consideration (previously he had a dozen law students doing it manually). It's an approach he says that allows researchers to look at a large number of decisions to study the law in action. "I think it is reflective of where some legal scholarship is going, because with access to very large data sets, the questions that you start to think about are different," he says.



# FACULTY FOCUS



Fay Faraday



Jennifer Nedelsky



Adam Parachin



Adrian A. Smith



Emily Kidd White

## New Faces at Osgoode

**OSGOODE’S CLASSROOMS ARE ALIVE WITH** the voices of five new faculty members who joined the Law School in 2018.

**Fay Faraday**, BA (Hons) (Toronto), MA (Toronto), JD ’93 Gold Medalist (Osgoode), is a labour, human rights and constitutional lawyer with an interest in a wide range of issues relating to equality and fundamental freedoms under the Charter of Rights and Freedoms.

**Jennifer Nedelsky**, BA (Rochester), MA and PhD (Chicago), focuses her teaching and scholarship on feminist theory, legal theory, American constitutional history and interpretation, and comparative constitutionalism.

**Adam Parachin**, BA with High Distinction (Toronto), LLB ’00 (Osgoode), LLM (Toronto), is an expert in charity and not-for-profit law, property law, trusts and estates, and income tax.

**Adrian A. Smith**, BA (Hons) (Western), LLB ’01 (Osgoode), LLM ’05 (Osgoode), DCL (Doctorate) (McGill, Law), begins his career at Osgoode as Academic Director of Parkdale Community Legal Services, and teaches and researches in the labour law area.

**Emily Kidd White**, BAH (Queen’s), JD (Queen’s), LLM (Jerome Lipper Prize for Distinction) (NYU), JSD (NYU), writes on emotions in legal reasoning, and teaches constitutional law, jurisprudence, and public international law.



Photo: Ian Oryslar

## Farewell to Firebrand Alan Young

**PROFESSOR ALAN YOUNG** ’81, LLM (Harvard) – one of Osgoode’s most passionate, colourful and often controversial advocates for social justice – retired on July 1.

The independent-minded educator, lawyer, activist and defender of the downtrodden clerked for Chief Justice Bora Laskin and worked as a criminal lawyer in Toronto prior to starting his teaching career at Osgoode in 1986.

He was the Co-Founder and Director of the School’s Innocence Project, a clinical program that guides JD students through the process of investigating suspected cases of wrongful conviction and imprisonment.

During his 32-year teaching career, he also maintained a small practice specializing in criminal law and procedure and primarily devoted to challenging state authority to criminalize consensual activity.

Ever the one to stir up debate, his contributions to the law – he brought constitutional challenges to our gambling, obscenity, bawdy-house and drug laws – won him recognition as one of Canadian Lawyer magazine’s “Top 25 Most Influential” in the justice system and legal profession in 2010, 2011, 2012 and 2014. Osgoode also presented him with the Dianne Martin Medal for Social Justice through Law in 2018.

In the course of his work, Young quietly

provided approximately \$10 million of free legal services with respect to a wide variety of social justice issues.

He represented countless numbers of people suffering from AIDS, cancer and multiple sclerosis who were charged after using marijuana for medicinal purposes and, as a result of these cases, the Federal Government was compelled to create a regulatory program authorizing the use of medical marijuana.

The author of *Justice Defiled: Perverts, Potheads, Serial Killers and Lawyers*, Young was – and still is – one of the media’s go-to persons for comment on the topic of marijuana, as witnessed by the number of interviews he has given since mid-October when recreational cannabis was legalized in Canada.

This past decade, Young successfully challenged three provisions of our sex work laws resulting in a significant reform of those laws. Although he does not support the recent legislative response to the successful constitutional challenge, he is not prepared in retirement to commence a new challenge.

However, he is “comforted by the knowledge that more than 30 students from 2006 to 2013 worked on the original constitutional challenge and there are now many young lawyers ready, willing and able to continue this work.”



## Best in his Field

Professor **David Vaver**, one of the world’s preeminent scholars of intellectual property law, has been elected a Fellow of the Royal Society of Canada (RSC).

The fellowship of the RSC comprises more than 2,000 Canadian scholars, artists and scientists who have made remarkable contributions in the arts, the humanities and the sciences, as well as in Canadian public life. Vaver’s pioneering work on “user rights” and the public interest has brought fairness and balance to Canada’s intellectual property system.

The prolific author of many acclaimed books, edited collections, and peer-reviewed articles, Vaver’s scholarship is relied on as persuasive authority by courts and lawmakers, while his teaching and mentorship have nurtured many leading minds in the intellectual property law field.



## Chartered Institute of Arbitrators Honours Professor Janet Walker

Professor and arbitrator **Janet Walker** was recognized with the Chartered Institute of Arbitrators (CI Arb) Distinguished Service Award in September.

The award was presented by global CI Arb president James Bridgeman and CI Arb Canada patron Beverley McLachlin at an event hosted by the CI Arb Canadian branch.

“It is an honour to be recognized for contributions that I have made to collective initiatives to develop and promote international commercial arbitration in Canada,” Walker said.



FACULTY  
FOCUS



Obiora Chinedu  
Okafor Appointed UN  
Independent Expert

Professor and York Research Chair in International and Transnational Legal Studies **Obiora Chinedu Okafor** has been appointed the United Nations (UN) Independent Expert on Human Rights and International Solidarity. As such, he is one of the principal group of human rights experts who advise and report to the UN Human Rights Council and General Assembly.

Prior to his appointment in 2017 as Independent Expert, Nigerian-born Okafor was Chairperson of the UN Human Rights Council Advisory Committee, a Geneva-based committee of experts elected by the Human Rights Council to serve as its think-tank. He has also served as an expert panelist for the UN Security Council’s Counter-Terrorism Committee and the UN Working Group on People of African Descent.



Corporate Knights  
Award for Edward  
Waitzer

Professor **Edward Waitzer** received the Corporate Knights Award of Distinction June 7 for his seminal work advancing the legal foundations for corporate and pension fund leaders to serve the public good.

Waitzer, a partner at Stikeman Elliott LLP, is the Jarislowsky Dimma Mooney Chair in Corporate Governance and Director of the Jay and Barbara Hennick Centre for Business and Law at Osgoode and Schulich School of Business as well as the Co-Director of the JD/MBA Program (Osgoode).



Leading the Way  
in Environmental  
Law Education

Professor **Estair Van Wagner**, a Co-Director of Osgoode’s Environmental Justice and Sustainability Clinic, was presented with the IUCN Academy of Environmental Law 2018 Environmental Law Education Award (Emerging Faculty) in recognition of her important contributions to the field of environmental law education. Van Wagner’s research and teaching interests are in the areas of property, land use planning, and natural resource law.



Lisa Philipps has  
Prominent New Position  
at York

Professor **Lisa Philipps** has been appointed York’s Provost and Vice-President Academic for a five-year term that began on July 1, 2018 and will end on June 30, 2022.

Philipps served as Interim Provost and VP Academic since May of 2017, providing what President and Vice-Chancellor Rhonda Lenton described as “outstanding leadership in relation to academic planning, program development, enrolment management, and the renewal of the full-time complement, as well as championing York’s equity and inclusivity commitments.”

Philipps joined Osgoode in 1996. She holds an LLB from the University of Toronto and an LLM from York and was called to the Bar of Ontario in 1988. Her research encompasses taxation law and policy, fiscal policy, higher education policy, and feminist legal theory.

Prior to her appointment as Interim Provost, Philipps held a number of key positions at York, including Assistant Dean (First Year) and Associate Dean (Research, Graduate Studies & Institutional Relations) at Osgoode; Chair of the University’s Academic Task Force in 2014; Chair of the (then) Senate Academic Policy and Planning Committee (2005-06); and Associate Vice-President Research (2011-14).

Beyond the University, Philipps has provided expert legal advice to a range of bodies, including the Ontario Ministry of Finance as Special Counsel in 2015. In 2015-16, she served as Interim Dean of the Bora Laskin Faculty of Law at Lakehead University.



Celebrating Canada’s  
Most Powerful Women

Dean (Interim) **Mary Condon** and **Norie Campbell** ’95, ’03 (LLM), **Valerie C. Mann** ’91 and **Grace Palombo** ’93 were among the 2018 winners of Canada’s Most Powerful Women: Top 100™ Awards.

The awards are presented annually by the Women’s Executive Network (WXN), a member-based organization committed to the advancement, development and recognition of professional women in Canada.



Professor Emeritus Kent  
McNeil Named IBA  
Honorary Member

The Indigenous Bar Association welcomed Professor Emeritus **Kent McNeil** as its newest Honorary Member at its annual conference November 1 to 3 in Saskatoon.

“This was a huge honour for me, more significant than any academic recognition I have received,” McNeil said.

McNeil taught property law, First Nations and the law, and trusts at Osgoode from 1987 until his retirement in 2016. A Fellow of the Royal Society of Canada, he was awarded a prestigious Killam Fellowship in 2006 to pursue research on the legality of European assertions of sovereignty in North America.

He remains active in retirement, pursuing his research and writing and continuing to advocate for justice for Indigenous peoples.



Neil Brooks Receives  
2018 Canadian  
Tax Foundation (CTF)  
Lifetime Contribution  
Award

Professor Emeritus **Neil Brooks** has been awarded the Canadian Tax Foundation’s most prestigious award – the Lifetime Contribution Award – honouring individuals who, over their careers, have made substantial contributions to the CTF and its purposes through their volunteer efforts and body of work.

Brooks, who retired in January 2014, taught tax law and policy at Osgoode for more than 35 years. His research interests included tax law and policy, corporate and international tax, and financing the welfare state. He published extensively on income tax issues and was the editor of Canadian Taxation, the Osgoode Hall Law Journal and the Canadian Tax Journal. He also co-authored The Trouble with Billionaires (2010) with Linda McQuaig.

In previous years, three other Osgoode professors – the late Tim Edgar, Scott Wilkie and Jinyan Li – have received the Lifetime Contribution Award, demonstrating the strength of the Law School’s tax law faculty.



From Academia  
to the Bench

**Lorne Sossin** ’92, Professor and former Dean (2010-18), was sworn in as a judge of the Ontario Superior Court of Justice in Toronto on January 29. As Dean, Sossin pursued initiatives for accessibility in legal education, the expansion of legal clinics and experiential learning, community engagement and reconciliation with Indigenous peoples.

“Lorne has made an enormous contribution to legal education generally and to the Osgoode/York community in particular,” said Dean (Interim) Mary Condon. “We are going to miss his inspiring leadership, including on Indigenous issues, keen legal mind, inclusiveness and wonderful optimism.”

In another recent judicial appointment of note, Justice **James Stribopoulos** ’94, a judge of the Ontario Court of Justice who was an Associate Dean and Associate Professor at Osgoode before being appointed to the bench in 2013, was appointed a judge of the Ontario Superior Court of Justice in Brampton.

# IN MEMORIAM

— January 1, 2018 to December 31, 2018

<b>1948</b> George E. Carter	<b>1956</b> Reuben Cipin Robin W. Fraser George E. Loker Steven W. Lukinuk	<b>1963</b> John D. Bugar
<b>1949</b> William A. Sheppard		<b>1965</b> Stanley H. Feldman
<b>1950</b> John H. C. Clarry Douglas D. Everett Robert C. Rutherford Peter B. Stuart	<b>1957</b> Hewett Littlejohn	<b>1968</b> Louis A. Low
<b>1951</b> Henry Koury Gerald H. Marsden	<b>1958</b> John W. Brown Gordon B. Langille G. Martin Luxton C. Stanton Stevenson Edwin L. Stringer	<b>1969</b> Simon R. Fodden
<b>1952</b> Benjamin V. Levinter Stewart R. Mank	<b>1959</b> Seymour Iseman Elias A. Kremer James A. Runions Peter H. Sims William P. Somers John L. Vamplew M. Herbert Wolfson	<b>1971</b> Igor Bobrow
<b>1953</b> Kenneth C. Binks Keith M. Gibson James R. Tyrrell Warren P. Winslow		<b>1973</b> Gregory H. Barnett
<b>1954</b> Harry T. Andrews Allan M. Austin Garret J. Cooligan Eric R. Murray	<b>1960</b> Paul A. Adams Earl G. Bailey Mary C. Cardwell John P. Ford William K. Mckay Pauline M. Sprague	<b>1974</b> Peter A. Milligan
<b>1955</b> Bernard S. Dales William J. Deslauriers John E. Eberle Reginald A. Haney 1974 (LLM) Donald S. Macdonald C.C. Gilles L. Racicot Sinclair M. Stevens	<b>1961</b> Murray Armel Mervin F. Burgard James P. Giffen	<b>1976</b> Roey B. Kert
	<b>1962</b> Gilbert S. Bennett J. Grant Sinclair	<b>1977</b> Douglas A. Breault
		<b>1978</b> James L. Thistle 2010 (LLM)
		<b>1980</b> Jerome B. Goldhar Mary T. Satterfield
		<b>1983</b> Margaret J. Janzen Sergio Marchionne
		<b>1990</b> Darryl R. Ferguson Sandra A. Young

<b>1993</b> Jacquie B. Chic
<b>2003</b> André S. Thorsen
<b>LLM 2005</b> John Michael Freeman
<b>2005</b> Kirk Dennis Goodtrack

# CLASS NOTES

## ➡ 1960s



**John Rosen '68**  
received the G. Arthur Martin Criminal Justice Medal from the Criminal Lawyers Association.



**Walter Martin Traub '71, '97 (LLM)**  
received the Law Society of Ontario's 2018 Law Society Medal.



**Moya Greene '78, '18 (LLD)**  
received an honorary doctor of laws degree from York University's Faculty of Liberal Arts and Professional Studies.

**Benjamin Zarnett '75**  
was appointed to the Court of Appeal for Ontario.

**James Neilson '79**  
was appointed to the Court of Queen's Bench of Alberta.

## ➡ 1970s



**Brian Greenspan '71**  
was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.



**Sandra Chapnik '76**  
was named to the Order of Ontario.

**Harry LaForme '77, '08 (LLD)**  
retired from the Court of Appeal for Ontario and joined Olthuis Kleer Townshend LLP as senior counsel.

## ➡ 1980s

**Elizabeth Sheehy '81**  
was named to the Order of Ontario.

**William Goodridge '82**  
was appointed to the Supreme Court of Newfoundland and Labrador.

**Colm Seviour '82**  
was appointed to the Queen's Counsel in Newfoundland and Labrador.

**William Kaplan '83**  
has a new book out, *Why Dissent Matters*.



**Marie Moliner '83 and Kevin Whitaker '84**  
retired unexpectedly to enjoy life with family and friends following Kevin's diagnosis of an aggressive form of Parkinson's disease. In 2016, at age 59, he stepped down as a judge on the Ontario Superior Court of Justice. Since, Kevin has painted prolifically raising over \$50,000 for Parkinson's research and support groups.

**John Coyne '84**  
received the 2018 Canadian General Counsel Award for Environmental Social and Governance.

**K. A. Siobhan Monaghan '84, '94 (LLM)**  
was appointed to the Tax Court of Canada.



**Mary Ellen Turpel-Lafond '85, '13 (LLD)**  
became the inaugural director of the University of British Columbia's new Indian Residential School History and Dialogue Centre.

**Christopher Giaschi '86**  
was appointed to the Supreme Court of British Columbia.



**Heather Zordel '87, '98 (LLM)** was elected a Bencher of the Law Society of Ontario and is a member of the Law Society's Audit Committee and Government Relations Committee.

**Daniel Ingersoll '89** was appointed managing partner of Cox & Palmer's Halifax office.

**Jessica Kimmel '89** was appointed to the Ontario Superior Court of Justice.

**Michael Kraus '89** was appointed to the Court of Queen's Bench of Alberta.

**Maureen Ryan '89** was appointed to the Queen's Counsel in Newfoundland and Labrador.

**Michael Tulloch '89** received an honorary doctor of laws degree from Ryerson University.

➔ 1990s



**Paul Cooper '90** was appointed to the Law Foundation of Ontario's Board of Trustees.

**Julia Deans '90** received the 2018 YWCA Toronto Women of Distinction Award.

**Rachel Notley '90** was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

**Jean Bédard '92 (LLM)** was appointed Chairperson of the Canadian International Trade Tribunal.

**Michael Geist '92** was named to the Order of Ontario.



**Carissima Mathen '92** received the Law Society of Ontario's 2018 Law Society Medal.

**Aston Joseph Hall '93, '08 (LLM)** was appointed to the Ontario Court of Justice.



**John Borrows '94 (DJur), '18 (LLD)** received an honorary doctor of laws degree from Osgoode Hall Law School and was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

**Michelle Cheung '94** was appointed to the Ontario Court of Justice.

**Nancy Dennison '95** was appointed to the Ontario Superior Court of Justice.

**Joe Wong '95** completed a five-year appointment as a member of the Ontario Municipal Board, and then returned to the practice of law, first at the City of Cambridge and now with the City of Hamilton.

**Susanne Boucher '96, '02 (LLM)** was appointed to the Ontario Superior Court of Justice.

**Julie Shin '96** received the 2018 Canadian General Counsel Award for Business Achievement.

**Sharon Shore '96** was appointed to the Ontario Superior Court of Justice.

**Meghan McCreary '98** was appointed to Her Majesty's Court of Queen's Bench for Saskatchewan.

**Samir Sabharwal '98** was appointed General Counsel for the Alberta Securities Commission.

**Sonya Jain '99, '17 (LLM)** was appointed to the Ontario Superior Court of Justice.

➔ 2000s

**Suzanne Duncan '01 (LLM)** was appointed to the Yukon Supreme Court.

**Marilyn Marshall '02 (LLM)** was appointed the Complaints Resolution Commissioner for the Law Society of Ontario.

**Antonio Di Domenico '05** recently published his new book *Competition Enforcement and Litigation in Canada*.



**Gilles LeVasseur '05 (LLM)** received the Law Society of Ontario's 2018 Law Society Medal.

**Michelle Christopher '06 (LLM)** was appointed to the Alberta Provincial Court.

**Clifford Shaw '07 (LLM)** has practised law for 36 years in Calgary specializing in banking, commercial litigation, and insolvency law. He recently joined Burstall LLP as counsel.

**Blair Wiley '07** joined Wealthsimple as general counsel and head of regulatory affairs.



**Jonathan Davey '08** joined Scotiabank as the National Director of Aboriginal Financial Services.

**Ron Podolny '08** received the 2018 Precedent Setter Award.

**David Coward '09 (LLM)** was appointed Vice President of Human Resources at Georgian College.

**Vanisha Sukdeo '09 (LLM)** wrote *Regulation and Inequality at Work, Isolation and Inequality Beyond the Regulation of Labour*.

➔ 2010s

**Ren Bucholz '10** received the 2018 *Precedent Setter* Award.

**Sapna Butany-Goyal '10 (LLM)** was appointed a justice of the peace to the Ontario Court of Justice.

**Veronica Jackson '10 (LLM)** was appointed to the Supreme Court of British Columbia.



**Shaneka Shaw Taylor '10** welcomed a baby girl, Sloane, into her family.

**Esi Codjoe '12 (LLM)** was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.



**Laura Wilson-Lewis '15** married Dr. Nemoy Lewis on June 2, 2018 in Toronto.

**Naomi Metallic '16 (LLM)** was named one of the Top 25 most influential lawyers by Canadian Lawyer magazine.

**Suzanne Chiodo '17 (LLM)** was appointed a Lecturer in Law at Oriel College, Oxford University, where she is also completing her Doctor of Philosophy in Law.

**Anna Murray '18** was named one of Canada's Top 40 Under 40 by Caldwell.

# SUBMIT YOUR OWN CLASS NOTE

What's happened in your life since you graduated from Osgoode?

We want to hear about it! Share news of your career, family life and personal accomplishments with your fellow alumni by submitting a **Class Note**.

To submit a Class Note, please visit: [osgoode.yorku.ca/alumni](https://osgoode.yorku.ca/alumni)

LAST LOOK

Class of '54 Reunion  
The Law Society of Ontario, May 4, 2018



**Back L-R:**  
Morley Torgov, Ralph Turner,  
Sidney Freedman, Neil Mann, John Hinds

**Front L-R:**  
Grant Murray, Timothy Fellowes,  
Joseph Casse, Donald Dodds

“The pictures on our lapels were of men in their mid-20s. But their youthful countenances yet untested in the trials, successes and missed opportunities of years to come, were no match for the wizened faces of those who attended. The crease lines, the bald heads, the liver spots, the knurled knuckles and twisted fingers were beautiful evidence of lives well lived, of challenges and struggle surmounted, of the history of their years ... While the practice of law has changed dramatically from those early years, it is still the guardian at the gates of civil liberties and the last chance guarantor of the rights and responsibilities that a functioning society must entertain.”

*Excerpt from a letter that Sidney Freedman QC sent to the Alumni Office following the reunion*

Osgoode Hall Law School  
Alumni Association

ANNUAL  
GENERAL  
MEETING  
NOTICE

Alumni are invited to attend the Annual General Meeting on:

Wednesday,  
May 15, 2019  
5:30pm to 6:00pm

Portrait Room  
of Osgoode Hall  
130 Queen Street W.  
Toronto, Ontario

Please contact the Osgoode Alumni Office at **416-736-5638**  
or **alumni@osgoode.yorku.ca** to obtain a copy of the agenda.

Positive RSVPs Appreciated



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*- Ryan M.J. Hayes, MBA, LLB, LLM*

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